

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

SNMP RESEARCH INC. & SNMP)	
RESEARCH INTERNATIONAL INC.,)	Case No. 3:20-cv-451
)	
<i>Plaintiffs,</i>)	Judge Atchley
)	
v.)	Magistrate Judge Poplin
)	
BROADCOM INC., BROCADE)	
COMMUNICATIONS SYSTEMS LLC, &)	
EXTREME NETWORKS INC.,)	
)	
<i>Defendants.</i>)	

ORDER

On September 26, 2022, the Court referred this case to mediation and ordered the parties to conduct the first mediation conference within 90 days of the Order. [Doc. 206]. The Court's Memorandum Opinion and Order [Doc. 204] explained that the parties appeared unable or unwilling to work cooperatively to reach a resolution of even routine issues in this case without the intervention of the Court, unnecessarily taxing the Court's finite resources. [Doc. 204 at 45]. The Court ordered the parties to file a notice of their choice of mediator and the date set for mediation within 21 days of the entry of this Order, or on October 17, 2022. [Doc. 206]. The parties filed a Notice [Doc. 212], but it reflects that they have neither agreed to a mediator nor chosen a date for mediation, as required by the Order.

The Notice does reflect some effort at cooperation, indicating that the parties have all agreed to two mediators – Randy Wulff and Judge Jay Gandhi. Neither are available for mediation until January 2023. The Notice also states that lead counsel for Broadcom and Brocade is not available to mediate from November 7, 2022, to December 21, 2022, due to a trial. The parties

also present various scheduling issues and possibilities, additional possible mediators, and disputes over the location and manner of mediation.

The parties have not jointly moved for extension of the mediation deadline. However, given that all parties agree to two mediators who are both available in January 2023, the Court will **EXTEND** the time for the first mediation conference until **January 31, 2023**. The Court will not wade into the remaining logistical issues reflected in the Notice, all of which are common to cases of this nature. All parties are represented by experienced counsel, including seven counsel of record for both Plaintiffs and Broadcom/Brocade and three counsel of record for Extreme. The Court is confident that with this extension, the parties will be able to cooperate to resolve the remaining issues in the Notice.

The parties are therefore **ORDERED** to confer in good faith as soon as reasonably practicable to resolve these issues.¹ An amended joint notice, stating the parties' choice of mediator and the date set for mediation, **SHALL** be filed on or before **October 24, 2022**. All remaining deadlines and requirements set forth in the Order Referring Case to Mediation [Doc. 206] remain as set forth therein.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE

¹ The parties are reminded that the mediation referral order requires at least one attorney for each party to reserve at least five days for mediation, or such time as may be necessary to thoroughly and in good faith address the issues in this case. [Doc. 206 at 2].